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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

Case No. 3:07-md-1827 SI

MDL No. 1827

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

**STIPULATION AND [PROPOSED]
ORDER RE APPLICATION OF CLASS
CERTIFICATION ORDER TO MITSUI &
CO. (TAIWAN), LTD.**

Undersigned counsel, on behalf of the Direct Purchaser Plaintiffs ("Plaintiffs") and Mitsui & Co. (Taiwan), Ltd. ("Mitsui") respectfully request that the Court enter the following order.

WHEREAS, Plaintiffs filed their Third Amended Consolidated Complaint on December 2, 2009 (Docket No. 1407);

WHEREAS, in that complaint Plaintiffs named as a defendant Mitsui, which had not been named in any previous complaint filed by Plaintiffs in this litigation;

WHEREAS, Plaintiffs' motion for class certification was briefed and argued prior to the filing of the Third Amended Consolidated Complaint;

1 WHEREAS, the Court issued an Order granting in part and denying in part Plaintiffs'
2 motion for class certification on March 28, 2010 (Docket No. 1641);

3 THEREFORE, pursuant to Federal Rule of Civil Procedure 23(c)(1)(C), Plaintiffs and
4 Mitsui stipulate as follows:

5 (1) Plaintiffs' motion for class certification previously filed as noted above shall be treated
6 as if filed in regard to the claims asserted in the Third Amended Complaint against Mitsui;

7 (2) all defenses against class certification that were presented by and on behalf of the
8 defendants prior to the Court's Order of March 28, 2010 granting in part and denying in part
9 Plaintiffs' motion for class certification and all issues raised in any motion for reconsideration by
10 the defendants shall be treated as if presented by and on behalf of Mitsui;

11 (3) the Court's March 28, 2010 class certification Order shall apply to Mitsui;

12 (4) Mitsui shall have full rights of appeal commensurate with any party that was a
13 defendant at the time of the March 28, 2010 class certification order; and

14 (5) the parties have entered into this Stipulation in part to conserve judicial resources, and
15 this Stipulation shall not constitute or be argued to constitute a waiver of any legal defense
16 whatsoever of Mitsui to this litigation.

17 Date: August 20, 2010

18 /s/ Richard M. Heimann

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Attorneys for Defendant Mitsui & Co. (Taiwan), Ltd.

Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of this document has been obtained from Richard M. Heimann and Ernest E. Vargo.

ORDER

SO ORDERED this ____ day of August, 2010.



THE HONORABLE SUSAN ILLSTON
United States District Judge